

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JULIAN BERTEAU,

No. CV04-1611-HU

Plaintiff,

OPINION AND ORDER

v.

COMMISSIONER SOCIAL SECURITY
ADMINISTRATION,

Defendant.

MOSMAN, J.,

On January 6, 2006, Magistrate Judge Hubel issued Findings and Recommendation ("F&R") (#19) in the above-captioned case recommending the case be remanded to the Commissioner for further proceedings. No objections were filed.

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The district court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. Where objections have been made, I conduct a *de novo* review. 28 U.S.C. § 636(b)(1)(C). However, I am not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge to which no objections are made. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Upon review, I agree with Judge Hubel's recommendation to REMAND FOR FURTHER PROCEEDINGS, and I ADOPT the F&R as my own opinion.

IT IS SO ORDERED.

DATED this 15th day of February, 2005.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Court